

FROMMER LAWRENCE & HAUG LLP

745 Fifth Avenue
New York, New York 10151
Telephone: (212) 588-0800
Facsimile: (212) 588-0500
E-mail: Firm@flhlaw.com

FACSIMILE COVER LETTER

To: Examiner Juliet Caroline Einsmann
Firm: United States Patent and Trademark Office
Facsimile: 703-746-5141
From: Ronald R. Santucci
Date: May 16, 2003

Re: U.S. Patent Application Serial No. 09/463,209
Applicants: Kornelia BERGHOF et al.
NUCLEIC ACID MOLECULE, TEST KIT AND USE
Filed: May 12, 2000
Group Art Unit: 1655

Number of Pages: 5
(including cover page)

If you do not receive all pages or are unable to read the transmission, please call and ask for D. Paul.

ATTACHED ARE:

1. Petition For Revival of an Application for Patent Abandoned Unavoidably Under 36 C.F.R. 1.137(A);
2. Further Declaration of Ronald R. Santucci.

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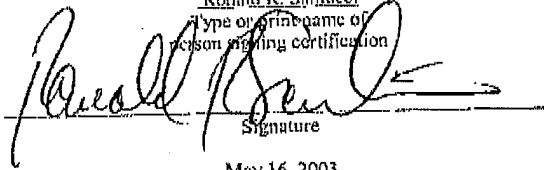
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PATENT
930008-2003**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Kornelia BERGHOF et al.
Serial No. : 09/463,209
For : NUCLEIC ACID MOLECULE, TEST KIT AND
USE
Filed : May 12, 2000
Examiner : Juliet Caroline Einsmann
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New York, NY 10151**FACSIMILE**

I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

Ronald R. Santucci
Type or print name of
person signing certification

Signature
May 16, 2003
Date of Signature

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 C.F.R. 1.137(A)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is a Petition to revive the above-identified application for unavoidable abandonment. This petition is made pursuant to a telephone conference with Examiner Einsmann and Samuel H. Mcgerditchian on May 14, 2003. The Examiner is thanked for the courtesies extended during the telephone conference.

PATENT
930008-2003

The above-identified application became abandoned for an alleged failure to respond to a communication issued by the Examiner in response to Applicants' June 24, 2002 Amendment. However, the Examiner's communication was never received by the Applicants. Therefore Applicants were unaware of the communication and, consequently and unavoidably, did not attend to a response in a timely matter.

More specifically, Applicants first became aware of the Examiner's communication, and subsequent abandonment of the application, during the May 14, 2003 telephone conference with the Examiner. The Examiner kindly acknowledged that filing the instant petition would remove the abandoned status of this case. Applicants, therefore, respectfully petition for revival of this application. Included herewith is a Declaration stating that the entire delay was unavoidable.

Since this application was filed after June 8, 1995, no terminal disclaimer is required. The Commissioner is authorized to charge any fees that are required to Deposit Account No. 50-0320.

Favorable consideration of this petition, and reconsideration and withdrawal of the abandonment of this application, are earnestly requested.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 

Ronald R. Santucci
Reg. No. 28,988
Samuel H. Megerditchian
Reg. No. 45,678
(212) 588-0800